

Amendments to the drawings:

The attached sheets of drawings include changes to Figs. 2, 5, 6, and 7. These sheets replace the original sheets including Figs. 2, 5, 6, and 7.

In Fig. 2, the cover 2 and second cover 4 are shown. In Fig. 5 the pulling device connected to the cover 2, 4 is depicted and identified with reference characters 2p and 4p, respectively and reference character 1b has been changed to 1c to represent the guide. In Figs. 6 and 7 pulling devices 2p and 4p have been added, respectively.

Attachments: Four (4) Replacement Sheets

Remarks

In the office action, the drawings were objected to because of informalities. The specification was objected to because of informalities and because of an incorporation by reference to a foreign application. Claims 1, 5-7 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,053,568 issued to Jambor("Jambor"). Claims 2-4, 8 and 10-14 were deemed to be allowable if rewritten in independent form.

In this response, the specification and Figs. 2, 5, 6, and 7 of the drawings have been amended. Claims 2, 10, and 13 have been rewritten in independent form, claim 9 has been cancelled and claim 15 has been added. Upon entry of the amendments, claims 1-8 and 10-15 will be pending.

Applicants respectfully request reconsideration and withdrawal of the objections and rejections in view of the amendments and the following remarks.

A. Objections to the Drawings:

The drawings were objected to because of informalities. Specifically, the Examiner asserted that the pulling device of claim 2 was not shown in the drawings and the reference character 1b had been used to designate both the guide (Fig. 5) and the inner surface (Fig. 6).

Applicants have amended Figs. 2, 5, 6, and 7 to correct the informalities identified by the Examiner. In Fig. 2, the cover 2 and second cover 4 are shown. In Fig. 5 the pulling device connected to the cover 2, 4 is depicted and identified with reference characters 2p and 4p, respectively. In addition, reference character 1b has been changed to 1c in Fig. 5 to represent the guide. Figs. 6 and 7 show pulling devices 2p and 4p respectively. Appropriate amendments have been made to the specification to be consistent with the amended drawings. Support for the changes to Figs. 2, 5, 6, and 7 is found in the original specification. No new matter has been added.

Withdrawal of the objections to the drawings is respectfully requested.

B. Objections to the Specification:

The specification was objected to because of informalities and because of an incorporation by reference to a foreign application.

Applicants have amended the first paragraph on page 1 to remove the incorporation by reference to the German priority document. Applicants have also corrected the typographical errors at page 1, line 27; at page 6, lines 15-16; at page 7, line 24; at page 8, line 24; at page 9, line 1; and at page 9, line 13 as suggested by the Examiner. Applicants have also changed "guide 1b" to --guide 1c-- to correct the dual use of reference number 1b and to be consistent with the changes to Fig. 5.

Applicants thank the Examiner for pointing out the informalities and requests withdrawal of the objections to the specification.

C. Rejections under 35 U.S.C. § 102(b):

Claims 1, 5-7 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Jambor.

Jambor describes a lamella-type sliding roof of a motor vehicle having lamellae which, when the roof is open, are tilted upward in a spaced manner with respect to one another in a distance reducing manner.

Independent claim 1 recites a top for a convertible vehicle that includes:

- a rigid moveable roof part with an outer surface and an inner surface;
- a cover including a flexible sheet-like element; and
- a linkage disposed between the outer surface of the roof part and the cover in a closed state of the convertible top, the linkage being moveable relative to the roof part during an opening movement of the convertible top, wherein the cover is moveable away from the roof part during the opening movement of the convertible top so as to create a space for the linkage.

The Examiner has deemed the lamellae 3 to correspond to the roof part and the ceiling 5 and the foil 7 to correspond to the cover of claim 1. The Examiner asserts that the structure attached to a lower edge of the lamellae 3 as corresponding to the linkage of claim 1.

Applicants respectfully submit that Jambor does not describe at least the feature of a linkage disposed between the outer surface of the roof part and the cover in the closed state that is moveable relative to the roof part. Specifically, the structure identified by the Examiner (i.e., the structure between the foil 7 and the lower edge of the lamellae 3), is not "moveable relative to the roof part during an opening movement of the convertible top" as recited in claim 9. On the contrary, as clearly shown in Figs. 1 and 2, the identified structure moves simultaneously with the lamellae during the opening movement. There is no relative movement between the lamellae

and the structure between the foil 7 and the lamellae 3.

Accordingly, withdrawal of the rejections under 35 U.S.C. 102(b) is respectfully requested.

D. New Claim 15:

Claim 15 has been added that depends from claim 1 and adds the further feature that the cover is provided separately from the inner inner surface of the roof part. Support for new claim 15 is found in the original description, for example, at page 2, lines 23 to 24, page 7, lines 18 to 19 and Fig. 6.

Allowance of new claim 15 is respectfully requested.

E. Allowable Subject Matter:

Applicants gracefully acknowledge that claims 2-4, 8 and 10-14 have been deemed to be allowable if rewritten in independent form.


Applicants have rewritten claims 2, 10, and 13 in independent form, and respectfully submit those claims are therefore now in allowable form.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris, Reg. No. 38,156
(signing for Thomas P. Canty, Reg. No. 44,586)

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940